

**Question for written answer
to the Commission**

Rule 130

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Subject: Criminalisation of humanitarian assistance

The town of Riace(Italy) has become an exemplary migrant-integration project. Its mayor Domenico Lucano has created a model of cohabitation for refugees and local communities that has rebuilt the town's population and economy. This week he has been arrested for "facilitating illegal immigration".

The escalation of sanctions and intimidation of humanitarian assistance is becoming an alarming trend across Europe. The EU Facilitators' Package(Directive2002/90/EC and Framework Decision2002/946/JHA) seeks to compel Member States to provide criminal sanctions for a broad set of behaviours in a framework characterised by legal ambiguity and uncertainty. Article 1.2 of the Directive providing for a mere non-binding option to Member States to apply an exception to the criminalisation of "humanitarian" assistance, does not apply to instances of facilitation of irregular stay. These legal uncertainties are exacerbated by the omission of its relationship with relevant international and regional human rights instruments, which stipulate legal obligations for State Parties and often call for the provision of assistance to those in need.

1. How does the EC intend to reform the current legislation in order to bring more clarity and uniformity by specifying which forms of facilitation should not be criminalised by Member States?

2. Does the EC intend to include a mandatory exemption from criminalisation for "humanitarian assistance"?